

REMARKS

In an Office Action mailed July 28, 2006, the Examiner objected to the specification, accepted the drawings, and rejected the pending claim under 35 U.S.C. § 102(b) as failing to patentably distinguish over Huxley *et al.*, for reasons of record. The Examiner maintained objections to the disclosure under 37 C.F.R. § 1.163(a) and under 35 U.S.C. § 112, first paragraph. In response to that Office Action, Applicants filed a Response and a Notice of Appeal on January 29, 2006.

On March 22, 2007, Applicants received an Advisory Action, in which Applicants were advised that details, such as coloration of the claimed plant with reference to a recognized color charts, as well as other data that indicates how the claimed plant differ from the species should be incorporated into the specification.

Applicants hereby submit amendments to the specification, which are made pursuant to 37 C.F.R. § 41.33(a), and are after the filing of the Notice of Appeal, but prior to filing an Appeal Brief. In accord with 37 C.F.R. § 1.125(b), Applicants submit that the substitute specification contains no new matter. Likewise, and in accord with 37 C.F.R. § 1.125(c), Applicants include a marked-up and a clean version of the substitute specification.

Reconsideration of the rejection and the objections is respectfully requested.

Fees

No fee is believed due in connection with this submission. However, if a fee is due, in this or any subsequent response, please charge the fee to Deposit Account No. 17-0055. Likewise, no extension of time is believed due, but should any extension be required in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and a request to charge the petition fee due to the same Deposit Account.

Respectfully submitted,



Bennett J. Berson
Reg. No. 37,094
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701-2113

TEL (608) 251-5000
FAX (608) 251-9166